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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MIKIE ROSS HANSEN,

10 Plaintiff,

11 v.

12 STATE OF WASHINGTON,

Defendant.

Case No. C12-777 RSM-BAT

**REPORT AND
RECOMMENDATION**

13 *Pro se* plaintiff Mikie Ross Hansen filed a proposed 42 U.S.C. § 1983 civil-rights complaint
14 and the Clerk informed him via letter that he had either to pay the filing fee or to submit an *in*
15 *forma pauperis* application to proceed. (Dkts. 1, 3.) Plaintiff responded by filing a motion stay
16 his case indefinitely. (Dkt. 4.) Having reviewed the proposed complaint and the entire record,
17 the Court recommends **DENYING** plaintiff's motion to stay (Dkt. 4) and **DISMISSING** this
18 matter without prejudice for failure to state a claim upon which relief may be granted and for
19 seeking monetary relief from an immune entity. 28 U.S.C. § 1915(e)(2)(B)(ii)–(iii).

20 Plaintiff is a sex offender who presently appears to be detained in Western State Hospital.
21 See Pierce County Sheriff's Office Website, Offender Search, *located at*
22 <http://www.icrimewatch.net/offenderdetails.php?OfndrID=883512&AgencyID=54483> (last
23 accessed June 12, 2012). He brings this lawsuit against the State of Washington, seeking the

1 return of unspecified property and “10 million or best offer.” (Dkt. 1, at 4.) In full, the statement
2 of his claim is as follows:

3 I had 4 letters and I flushed them toil[e]t whent [sic] over it was fix then I have
4 been tok [sic] to my face I don[']t want you too [sic] your property[.]

5 I am called a li[a]r to my face[.]

6 It's got SS[I] papers yellow paper ect [sic][.]

7 (Dkt. 1, at 3.) In full, plaintiff's motion to stay this matter indefinitely reads as follows:

8 Please put a freeze on my case I need time[.]

9 They still w[on']t give me my page of legalthing [sic] paper encacops [sic] are
10 hard for me to[] get people at this hospital are playing games and they are us[]ing
11 me as a turn I am a turn but I get sick of people us[]ing me[.]

12 Well stay warm[.]

13 (Dkt. 4, at 1.)

14 The only defendant in this action is the State of Washington, which must be dismissed
15 because the State is not a “person” for purposes of 42 U.S.C. § 1983 because it has not waived
16 sovereign immunity for damages actions. See *Howlett v. Rose*, 496 U.S. 356, 365 (1990); *Will v.*
17 *Michigan Dep't of State Police*, 491 U.S. 58, 71 (1989). Moreover, plaintiff has failed to state a
18 claim upon which relief may be granted. Plaintiff has failed to state what person, acting under
19 color of state law, deprived him of any constitutional right whatsoever. His allegations suggest
20 that plaintiff himself was the one who disposed of his own property in the toilet. Where, as
21 here, an adequate post-deprivation remedy for the loss of a detainee's property exists—
22 administratively or via state tort law—there is no cognizable § 1983 action for the negligent or
23 intentional acts of state officials. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984); *Parratt v.*
Taylor, 451 U.S. 527, 541 (1981).

The Court recommends **DENYING** plaintiff's motion to stay this matter indefinitely (Dkt.

1 4) and **DISMISSING** this matter without prejudice for failure to state a claim upon which relief
2 may be granted and for seeking monetary relief from an immune entity. 28 U.S.C.
3 § 1915(e)(2)(B)(ii)–(iii). Plaintiff will not be prejudiced by such a dismissal: he has not yet
4 submitted a filing fee or an IFP application and may file an adequately supported § 1983 action
5 once he is ready to proceed.

6 Any objections to this Recommendation must be filed and served upon all parties no later
7 than **July 5, 2012**. The Clerk should note the matter for **July 6, 2012**, as ready for the District
8 Judge's consideration if no objection is filed. Objections shall not exceed 10 pages. The failure
9 to timely object may affect the right to appeal.

10 DATED this 13th day of June, 2012.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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